IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

INTERNATIONAL UNION OF	§
OPERATING ENGINEERS, LOCAL	§
NO. 564,	§
	§
Plaintiff,	§
	§
V.	§ CIVIL ACTION NO. G-05-263
	§
THE DOW CHEMICAL COMPANY,	§
	§
Defendant.	§

FINAL JUDGMENT

As set forth in the Court's Order entered this date, Defendant's Motion for Summary Judgment is hereby **GRANTED**, and Plaintiff's Motion for Summary Judgment is respectfully **DENIED**. Any and all of Plaintiff's claims asserted against Defendant in this action are hereby **DISMISSED WITH PREJUDICE**. Each Party is to bear its own taxable costs, expenses, and attorneys' fees incurred herein to date. **THIS IS A FINAL JUDGMENT**.

IT IS SO ORDERED.

DONE this 11th day of January, 2006, at Galveston, Texas.

Samuel B. Kent United States District Judge